APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,867	09/28/2001	James R. Bergsten	00-692	4956

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EXAMINER
NGUYEN, HIEP T

ART UNIT	PAPER NUMBER
2187	

DATE MAILED: 10/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/966,867	BERGSTEN, JAMES R.
	Examiner	Art Unit	
	Hiep T Nguyen	2187	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*23 July 2004*</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>*1-22*</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>*1-22*</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1. This Office action is a response to the amendment filed July 23, 2004. Claims 1-22 are pending

   in the application.

2. Claims 1, 11 and 16 have been amended to further limit that the first storage device is accessible

   by more than one client. Claim 15 has been amended to correct the claim dependency.

   Accordingly, claim 15 is now depending on claim 14.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for

   the rejections under this section made in this Office action:

   A person shall be entitled to a patent unless –

   (e) the invention was described in (1) an application for patent, published under section 122(b), by
   another filed in the United States before the invention by the applicant for patent or (2) a patent
   granted on an application for patent by another filed in the United States before the invention by the
   applicant for patent, except that an international application filed under the treaty defined in section
   351(a) shall have the effects for purposes of this subsection of an application filed in the United States
   only if the international application designated the United States and was published under Article 21(2)
   of such treaty in the English language.

4. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Crow et al., U.S. Patent

   Number 6,442,651 [hereafter, Crow].

   a. Crow teaches a method [figure 2] for providing desired content, comprising:

      i. Receiving a first content request at a first storage device, wherein the first

         storage device is accessible by more than one client [step 221; see also the

         abstract and figure 1, at those portions, the first storage device (110) is clearly

         accessible by more than one client];

      ii. Analyzing a map at said first storage device to determine if a copy associated

          with said first content request is present at said first storage device, said map

          including at least one map entry having an identifier suitable for describing a

          range of addressable data blocks, wherein the map entry corresponds to a data

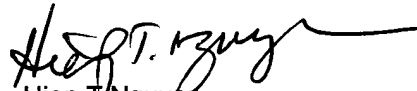   block stored in said first storage device [steps 222-223];

        iii. Proving said copy of associated with said first content request to a user, wherein said copy associated with said content request is retrieved from a second storage device to said first device when said copy associated with said first content request is not initially present at said first storage device [steps 224-225].

b.   As per claim 2: the further claimed limitation of "updating said map when said copy associated with said first content request is retrieved from second storage device to said first storage device" is inherently taught by Crow. This is because the mentioned updating step is necessary in every cache system so as to reflect the current status of the data currently in the cache [i.e., claimed first storage device].

c.   As per claim 3: similarly to claim 2, the further claimed limitation is inherently taught by Crow. This is because the requested data is always returned from the cache to the requester unless the cache does not have it.

d.   As per claims 4-8, as mentioned above, the first storage device content is periodically refreshed using the data from the secondary storage device. Crow further teaches that the first and the second storage device are communicated with each other through messages [see col. 4, lines 59-60]. Accordingly, each and every claimed limitations in the claims 4-8 is either explicitly or implicitly taught by Crow.

e.   As per claims 9-10: according to the definition of "token" , in the Computer Dictionary, page 390, by Microsoft Press; Token is basically a short message. Accordingly, Crow also teaches the further claimed limitations in claims 9-10.

f.   As per claims 11-15: the claimed system encompasses basically the necessarily means for carrying out the corresponding steps in claims 1-10. Accordingly, Crow also anticipates the claimed system in claims 11-15.

g.   As per claims 16-22: similarly to claims 1-10, each and every claimed steps are either directly or inherently taught by Crow, as discussed the rejections of claims 1-10 [see again, figures 1-2].

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

   a. Microsoft Press, Computer Dictionary, page 390, teaches that token is a short message.

   b. Wu et al., 6,370620, teaches a shared web cache server accessible by more than one clients.

   c. Li et al., 6,591,266, teaches that messages are used to instruct a server cache to refresh or invalidate cache content.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

7. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hiep T Nguyen whose telephone number is (703) 305-3822. The examiner can normally be reached on Monday-Friday from 9:30 a.m. to 6:00 p.m.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571) 272-4197. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-4201.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hiep T Nguyen
Primary Examiner
Art Unit 2187

HTN